

U.S. Application No. 09/732,241
Attorney Docket No. P-095-US1
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III. REMARKS

Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

1. Status of the Claims

Claims 1-21, 23-26, 28-32, 34, 36-45, 47 and 50-52 were pending in this application. Claims 2, 3, 5, 6, 7, 8, 9, 15, 16, 17, 20, 23, 24, 25, 26, 32, 40, 50 and 52 are being canceled in this paper. Accordingly, upon entry of these amendments, Claims 1, 4, 10, 11, 12, 13, 14, 17, 18, 19, 21, 28, 29, 30, 31, 34, 36, 37, 38, 39, 41, 42, 43, 44, 45, 47 and 51 are pending for examination on the merits.

2. Summary of the Amendments

Claims 2, 3, 5, 6, 7, 8, 9, 15, 16, 17, 20, 23, 24, 25, 26, 32, 40, 50 and 52 have been canceled without prejudice or disclaimer.

Claim 1 has been amended to incorporate the limitations of dependent Claims 3, 6, 8, 9, 16, 26, and 32; and those portions of Claim 2 relating to R⁴⁶ and R⁴⁷. Additionally, Claim 1 has been amended to define K as bond by deleting the other member of the Markush group defining K. Support for these amendments is found, for example, in the claims as originally filed.

In view of the amendments to Claim 1 and the cancellation of the claims indicated above, Claims 4, 10, 11, 13, 14, 18, 21, 28, 29, 30, 31, 34, 41, 42, 43, 44 and 51 have been amended to change the dependency of these claims and/or to revise the claim language to be consistent with amended Claim 1. No new matter is added by these amendments.

These amendments are being made to expedite issuance of allowable subject matter. Entry of these amendments is respectfully requested.

3. Telephone Interview Summary

Applicants wish to thank the Examiner for granting a telephone interview to the undersigned attorney on February 6, 2006. During the interview, allowable subject matter and amendments to focus the claims on such allowable subject matter were discussed.

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4. Rejections

Claims 1-21, 23-26, 28-32, 34, 36-45, 47 and 50-52 stand rejected under 35 U.S.C. §112, first and second paragraphs, as set forth in the Office Action dated May 23, 2005. In view of the above amendments and for the reasons stated in Applicants' response dated June 17, 2005, these rejections may be withdrawn.

5. Information Disclosure Statement

Applicants wish to bring to the Examiner's attention that a Supplemental Information Disclosure Statement (IDS) was mailed for this application on August 22, 2002. Copies of the references, the Form 1449 and the appropriate fee were submitted at that time. The Supplemental IDS was entered into the PAIR System on August 29, 2002. To date, Applicants have not received an Examiner-initialed copy of the Form 1449. Applicants respectfully request that the Examiner consider the information provided in the Supplemental IDS and return an initialed copy of the Form 1449 to Applicants.

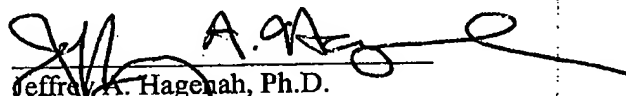
IV. CONCLUSION

Reconsideration of this application in view of the above amendments and remarks is respectfully requested. Should there be any issues regarding this application that can be resolved by telephone, the Examiner is respectfully requested to telephone the undersigned attorney at (650) 808-6406.

Respectfully submitted,
THERAVANCE, INC.

Date: 2/6/06

By:


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